

RICK A. YARNALL
CHAPTER 13 BANKRUPTCY TRUSTEE
701 Bridger Ave
Suite 820
Las Vegas, NV 89101
(702) 853-4500

E-FILED

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:
RIGOBERTO PEREZ

CASE NO: BKS-09-14888-LBR

CHAPTER 13

Hearing Date: September 30, 2010

Hearing Time: 1:30 pm

CROSBY & ASSOCIATES
Attorney for the Debtor

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN #5
COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

The Trustee herein, Rick A. Yarnall, hereby objects to confirmation of Plan and hereby represents the following:

The debtor(s) filed for Chapter 13 relief on 04/01/2009. The 341(a) Meeting of Creditors held on August 24, 2010 at 9:30 am was:

- continued to September 21, 2010 1:30 pm

The Trustee objects to confirmation of the Chapter 13 Plan for the following reason(s):

- Debtor(s) are delinquent in plan payments
- Other: Attorney to file motion to avoid lien of 2nd TD & have completed prior to confirmation hearing
- Amendment(s) to Schedule(s)/SOFA: Schedule I/J re current income and expenses; Objection to retaining rental property with negative cash flow
- The debtor(s) has failed to cooperate with the Trustee [11 USC 521 (3)] as the following document(s) were not provided:
 - Tax returns: 2009
 - Pay stubs: Nov 21, Feb 13, Mar 27
 - Bank statments: NFCU#1319 Oct, Mar
 - Other: Provide copy of Authorization Form, Information Sheet and Mortgage Statement.
- Plan - Other issues: Trustee objects to attorney's fees sought to be paid thru Plan. Attorney's fees exceed amount previously established by attorney

THEREFORE, the Trustee objects to confirmation for the foregoing reasons and recommends that this case be dismissed and that the Trustee be allowed administrative expenses in the amount of \$150.00 per quarter the case is pending.

Dated: September 10, 2010

/s/ Rick A. Yarnall

Rick A. Yarnall, Chapter 13 Trustee